

Jonathan Rosenbaum

From: Dean Boland [dean@deanboland.com]
Sent: Friday, March 21, 2008 4:07 PM
To: Jonathan Rosenbaum
Subject: Fwd: Discovery request issue

Please disregard any suggestion in this email or any others that I have sent that I am facilitating, encouraging or suggesting that you access or use, in any way, any visual depiction, in any form of any of your alleged minor clients.

Please discontinue attempting to send me any such images. Any claimed images or pages containing those claimed images have been shredded by me.

Begin forwarded message:

From: Dean Boland <dean@deanboland.com>
Date: March 21, 2008 12:45:53 PM EDT
To: Jonathan Rosenbaum <jrosenbaum@alltel.net>
Subject: Discovery request issue

We have a duty to attempt to work out discovery disputes prior to bringing the issue to the court. I think you can handle this one.

In no. 12 of your Definitions and Instructions section you state the following definition:

"Image or depiction as used in these discovery requests means any and all likenesses, photographs, images [etc.] of either of the two minor plaintiffs...."

You have not provided me the identity, claimed age, etc. of the minor plaintiffs. I have no evidence they are minors or even exist. I certainly cannot respond to issues about such images without knowing who you are talking about.

Please provide a copy of the claimed court exhibits, as I have repeatedly asked you to provide, that you allege depict these two minors. In addition, just viewing those images alone does not provide any evidence those persons

- a. exist as real persons
- b. are minors

Therefore, such evidence from you is necessary to answer some of the discovery questions based upon this definition.

Further on in that definition you reference "reproductions or electronic data which were created in any what through the use images [sic] downloaded by the defendant directly from Istockphoto.com...."

I have not answer, admitted or otherwise, in any document, stated that I have downloaded any document containing any image or likeness of the unnamed minors in this complaint. I cannot have stated that since the minors in this complaint have not been identified by you

to me. The two exhibits you provided are not images. They are apparent printouts from something providing images that are, in one case, less than the size of a postage stamp. I have no idea recollection of downloading anything from Istockphoto.com. I did have an account with them, but I cannot be expected to recall images allegedly downloaded from that site more than three years ago. This definition assumes facts that have not been established and without some clarification, I will do my best to answer the discovery while disregarding the definition and its assumptions that I cannot confirm and you have not provided anything to confirm.

Definition 13 states that "Minor Plaintiff Jane Doe is the real individual depicted in...Exhibit A [and] Minor Plaintiff Jane Roe is the real individual depicted in Exhibit 'B'" Are these purported images of these purported minors altered? Were they altered before they were placed on istockphoto.com by anyone? Were they altered before they were printed, apparently from the Internet? Are these the sizes of these images you are claiming I used to make an exhibit? If so, I can assure you I never used either of them to make any exhibit as they are way too small in dimensions to be useful at all. Are you claiming these were black and white images used to make court exhibits or are they in color but your printer is not a color printer? That may assist in me recalling them, if I used them at all to make any court exhibit.

I await your detailed response to these questions to as they are necessary to complete the discovery requests.

Dean Boland
Attorney at Law
18123 Sloane Avenue
Lakewood, Ohio 44107
216.529.9371 phone
866.455.1267 fax
dean@deanboland.com
www.deanboland.com

To provide the best service to my clients, I check my email once each day. Please call the office or my mobile phone if your matter requires immediate attention.

Dean Boland
Attorney at Law
18123 Sloane Avenue
Lakewood, Ohio 44107
216.529.9371 phone
866.455.1267 fax
dean@deanboland.com

www.deanboland.com

To provide the best service to my clients, I check my email once each day. Please call the office or my mobile phone if your matter requires immediate attention.